

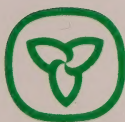
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MOBILE HOME PARKS AND LAND LEASE COMMUNITIES

Your Rights and Responsibilities



Ontario

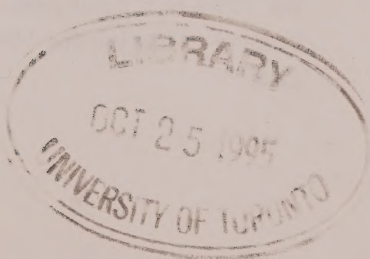
Ministry
of
Housing

A variety of laws in Ontario apply to permanent, non seasonal mobile home parks and land lease communities. These laws include the Landlord and Tenant Act, the Rent Control Act, and the Rental Housing Protection Act, as modified by Bill 21, the Land Leases Act.

This guide provides an overview of the rights and responsibilities of tenants and landlords in mobile home parks and land lease communities.

For more detailed information, please contact your local Rent Control office, listed at the back of this brochure.

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RENT INCREASES

The amount that the rent can be increased each year in a mobile home park or land lease community is set by the Rent Control Act.

These rules apply to the amount that the rent for the lot can be increased each year. These rules also apply to increases in the rent for the home, if it is rented along with the lot.

- * The rent can only increase once every 12 months, and only if the tenant receives a notice in writing at least 90 days before the rent increase is due to begin. The notice must be given to the tenant in the proper form.
- * The landlord can only increase the maximum rent by a certain percentage each year. This percentage is known as the rent control guideline.
- * The rent control guideline is announced each year by the Ministry of Housing. The rent control guideline for 1994 is 3.2 per cent. The rent control guideline for 1995 is 2.9 per cent.

- * The landlord can apply to rent control for permission to increase the rent by more than the rent control guideline. The reasons the landlord can make such an application are limited, and the largest increase to the maximum rent that could result is 3 per cent above the guideline.
- * A tenant can apply to rent control to have the rent reduced because of poor maintenance, a reduction in service or a reduction in the cost to operate the property.
- * If a landlord does not obey a work order regarding maintenance or repairs, rent control can issue an order which prohibits any rent increase from taking effect.

The Ministry of Housing has a record of the maximum rent that can be charged for most lots and dwelling units that are rented in Ontario. You can find out this information by calling your local Rent Control office.

MAINTENANCE AND REPAIRS

Landlord Responsibilities

A landlord is responsible under the Landlord and Tenant Act, and the Rent Control Act, for keeping a mobile home park or land lease community well maintained and in good repair. This includes:

- * garbage removal or disposal
- * keeping roads in good repair, and clear of snow in winter
- * keeping the plumbing, fuel, electrical and sewage disposal systems in good repair throughout the park or community
- * keeping in good repair the grounds, buildings and equipment that are used by tenants in common
- * any damage to a tenant's property caused by the landlord.

If a tenant rents the home, the landlord is responsible for keeping the home in good repair. This can include the plumbing, electrical and heating equipment, and any appliances supplied by the landlord.

The landlord must comply with local property maintenance bylaws, and standards adopted by the local municipality or other agencies such as the District Health Unit.

In areas of the province where there are no local municipal standards, then Ontario's provincial standard will apply. Landlords owning residential rental properties in these areas must comply with the provincial maintenance standards. Copies of the standards can be obtained by contacting the local Rent Control office.

Tenant Responsibilities

A tenant is responsible for:

- * keeping the lot clean
- * repairing any damage to the landlord's property caused by the tenant or their guest
- * keeping the home clean if they rent it
- * repairing the mobile home if they own it.

In areas of the province where there are no local maintenance standards, tenants can contact their local Rent Control office if they have maintenance concerns.

TRADES PEOPLE AND SUPPLIERS

If a tenant rents the home, the landlord decides who will do the repair needed.

If a tenant owns the home, the tenant can purchase goods or services from any person.

In such cases, the landlord can:

- * set reasonable standards for mobile home equipment used by a tenant
- * restrict or prohibit the entry of a tradesperson who caused an unreasonable level of noise; violated the traffic rules of the park or community; or did not observe other reasonable rules of conduct set by the landlord.
- * The tradesperson must first be told by the landlord of any conduct that is objected to, and given a chance to stop it. If the conduct continues, the landlord can restrict or prohibit entry once the tradesperson has been notified of the landlord's intention.

ENTRY AND EXIT FEES

A landlord can only charge a tenant the actual, out-of-pocket costs the landlord has incurred as a result of:

- * bringing a mobile home into a park
- * taking a mobile home out of a park
- * installing a mobile home on a site in a park
- * agreeing to rent a lot or dwelling unit to someone.

For example, a landlord can charge a new tenant the cost of hooking up the tenant's mobile unit to the park's electrical and plumbing systems. Or, a landlord can charge for the hiring of a crane and crew to have a mobile home lifted from a transport truck and placed on a lot.

The costs incurred by the landlord must be necessary costs.

If a tenant disagrees with the amount the landlord has charged, the tenant can make an application to court to have a judge review the amount.

PREMIUM FEES

It is illegal for a landlord to collect a charge from a tenant, whether it is called a fee, a penalty, a bonus, a deposit or a commission.

This includes the charging of a "premium fee" for a desirable site in a mobile home park or land lease community.

Tenants who have been charged such a "premium" can apply to rent control for an order requiring the landlord pay the money back.

THE SALE OF A HOME

The Approval of the Landlord

A tenant who owns a home can sell it to anyone.

In some cases, a tenancy agreement may allow a landlord to withhold approval for a tenant to sell a home. The landlord can only withhold approval on reasonable grounds, and these grounds must be stated in writing to the tenant.

The Charging of Fees

A landlord cannot charge a fee as a condition for consenting to the sale of a tenant's home.

A landlord cannot charge a fee for assigning the lot lease to the purchaser of the home.

A landlord can charge a tenant for the actual, out-of-pocket costs which were necessary as a result of assigning the lease or the sale of the home. An example would be the cost paid by the landlord to do a credit check on the new tenant.

The Landlord purchasing the home

If a tenant owns the home, the tenant can sell it to anyone.

A tenancy agreement may allow a landlord to purchase the home of a tenant who wishes to sell. In such a case, when a tenant receives an acceptable offer from a buyer for the home, the tenant must notify the landlord.

The landlord then has 72 hours to match the offer. The landlord must pay 100 per cent of the offered price for the home, and must match all other conditions of the sale.

If the landlord does not do these things, then the tenant is free to proceed with the sale to the original buyer.

An example would be if the tenant was offered a price of \$50,000 for the mobile home by a buyer. The tenant would inform the landlord of the details. The landlord would have 72 hours to offer the tenant \$50,000 for the mobile home, and match all other details of the offer.

If the landlord did not do these things, the tenant would be free to proceed with the sale to the original buyer.

The Choice of a Real Estate Agent

There cannot be a provision in a lease which makes the landlord the agent in the sale of a tenant's home.

A tenant can choose any real estate agent to sell their home.

A tenant can choose to make the landlord the agent for the sale of the home, but this agreement cannot be part of the lease. It must be a separate agreement entered freely after the lease is signed.

The Use of "For Sale" Signs

A landlord can prohibit the use of "For Sale" signs by a tenant who is seeking to sell a home. However, if the landlord prohibits the sign, then the landlord must provide the tenant with an alternative method of advertising the sale of the unit.

This other method of advertising must be made available to the tenant by the landlord at no cost, and the public must have full access to it. For example, the landlord could provide a bulletin board in a public area for the advertising of homes for sale. If the landlord does not provide another method of advertising the sale of homes, then the tenants are free to put up "For Sale" signs on their property.

The landlord cannot allow "For Sale" signs on some homes and not allow them on other homes. There must be equal treatment for all.

In a mobile home park or land lease community where there is a tenants' association, the landlord must obtain their approval in order to prohibit the use of "For Sale" signs.

If the tenants' association gives the landlord approval to prohibit "For Sale" signs, then the landlord must still provide an alternative method of advertising the sale of homes.

CLOSING OR CONVERTING A MOBILE HOME PARK OR LAND LEASE COMMUNITY

Mobile home parks and land lease communities in Ontario are covered by the Rental Housing Protection Act.

This law prohibits a landlord from closing, converting, demolishing or substantially renovating all or part of a mobile home park or a land lease community without first obtaining approval from the local municipal government. Conversions to other uses, such as strip malls, or to other forms of ownership, such as co-ownership, are among those prohibited.

The law also applies to the park infrastructure, which includes such things as water, roads, sewage and electrical systems. The landlord is prohibited from permanently removing, renovating or altering the infrastructure without obtaining approval.

In unorganized parts of the province where there is no municipal government, the landlord must obtain approval from the Ministry of Housing.

There are certain conditions which a landlord must meet before approval can be granted

under the Rental Housing Protection Act.

Until the landlord obtains the proper approval, the landlord cannot obtain any construction or demolition permits.

In such cases, the landlord cannot issue any eviction notices to tenants until receiving the proper approval.

TAXES

Tax bills for mobile home parks and land lease communities involve two separate areas:

1. Lot taxes - these are the property taxes for the land.
2. Unit taxes - these are the property taxes for the house.

Payment of Taxes for Tenants Who Rent Both the House and the Lot

In this case, the property taxes for both the lot and the house are included in the rent.

The maximum rent can only be increased once each year by the amount of the rent control guideline.

The landlord cannot increase the rent because of an increase in taxes.

The landlord must apply to rent control for approval to increase the rent by an amount greater than the rent control guideline.

Payment of Taxes for Tenants Who Own the House and Rent the Lot

If a tenant owns the house, the property tax for the house itself is not included in the rent.

The tenant must pay any tax increase on the house.

In this case, the property tax for the lot only is included in the rent.

The maximum rent can only be increased once each year by the amount of the rent control guideline.

The landlord cannot increase the rent because of an increase in taxes.

The landlord must apply to rent control for approval to increase the rent by an amount greater than the rent control guideline.

FOR MORE INFORMATION

For more information about the law regarding mobile home parks and land lease communities, or to obtain detailed information about your particular situation, please contact your local Rent Control Office listed on the following page.

LIST OF LOCAL RENT CONTROL OFFICES...

Barrie

(705) 737-2111

Toll-free:1-800-461-2882

Hamilton

(905) 528-8701

Toll-free:1-800-668-9565

Kingston

(613) 548-6770

Toll-free:1-800-263-6092

Kitchener

(519) 579-5790

Toll-free:1-800-265-8926

London

(519) 679-7270

Toll-free:1-800-265-0937

North Bay

(705) 476-1231

Toll-free:1-800-463-4815

Oshawa

(905) 723-8135

Toll-free:1-800-461-0837

Ottawa

(613) 230-5114

Toll-free:1-800-263-8957

Owen Sound

(519) 376-3202

Toll-free:1-800-265-3737

Peterborough

(705) 743-9511

Toll-free:1-800-461-0255

St. Catherines

(905) 684-6562

Toll-free:1-800-263-4937

Sudbury

(705) 675-4373

Toll-free:1-800-461-9909

Thunder Bay

(807) 475-1595

Toll-free:1-800-267-0898

Timmins

(705) 264-9555

Toll-free:1-800-461-5851

Toronto

(416) 325-9800

Etobicoke-City of York

(416) 314-0780

Mississauga

(905) 270-3280

Toll-free:Zenith 9-600

North York

(416) 314-9550

Scarborough-East York

(416) 314-8640

Windsor

(519) 253-3532

Toll-free:1-800-265-6924

